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Agenda item 86

Effects of armed conflicts on treaties

Report of the Sixth Committee

Rapporteur: Mr. Peter **Nagy** (Slovakia)

I. Introduction

1. The item entitled "Effects of armed conflicts on treaties" was included in the provisional agenda of the seventy-second session of the General Assembly pursuant to Assembly resolution 69/125 of 10 December 2014.

2. At its 2nd plenary meeting, on 15 September 2017, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 17th, 28th and 29th meetings, on 20 October and on 3 and 6 November 2017. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records.[1]

II. Consideration of draft resolution A/C.6/72/L.15

4. At the 28th meeting, on 3 November, the representative of Czechia, on behalf of the Bureau, introduced a draft resolution entitled "Effects of armed conflicts on treaties" (A/C.6/72/L.15).

5. At its 29th meeting, on 6 November, the Committee adopted draft resolution A/C.6/72/L.15 without a vote (see para. 6).

[1] A/C.6/72/SR.17, A/C.6/72/SR.28 and A/C.6/72/SR.29.

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III. Recommendation of the Sixth Committee

6. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Effects of armed conflicts on treaties

The General Assembly,

Recalling its resolution 66/99 of 9 December 2011, in which it took note of and commended to the attention of Governments the articles on the effects of armed conflicts on treaties contained in the annex to that resolution, and its resolution 69/125 of 10 December 2014,

Recalling also that the International Law Commission decided to recommend to the General Assembly that it take note of the draft articles on the effects of armed conflicts on treaties in a resolution and annex them to that resolution, and that it consider, at a later stage, the elaboration of a convention on the basis of the draft articles,[1]

Emphasizing the continuing importance of the codification and progressive development of international law, as referred to in Article 13, paragraph 1 (a), of the Charter of the United Nations,

Noting that the subject of the effects of armed conflicts on treaties is of major importance in the relations of States,

Taking note of the comments of Governments[2] and the discussion in the Sixth Committee at the sixty-ninth and seventy-second sessions of the General Assembly on this topic,[3]

1. *Expresses its appreciation* to the International Law Commission for its continuing contribution to the codification and progressive development of international law;

2. *Emphasizes* the value of the articles on the effects of armed conflicts on treaties[4] in providing guidance to States, and invites States to use the articles as a reference whenever appropriate;

3. *Decides* that it will revert to the question of the effects of armed conflicts on treaties at an appropriate time.

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[1] *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 10* (A/66/10), para. 97.

[2] See A/72/96.

[3] See A/C.6/69/SR.18 and A/C.6/72/SR.17.

[4] Resolution 66/99, annex.